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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Jorge Wuilson Romero, *on behalf of himself*)
and others similarly situated,)
Plaintiff,)

Civil Case No.: 1:16-cv-4282-PKC-RLM

-v-

Floris Construction, Inc. and Stamatis)
Kostikidis, *in his individual and professional*)
capacity,)
Defendants.)

AFFIRMATION IN SUPPORT OF
REQUEST FOR CERTIFICATE OF
DEFAULT

STATE OF NEW YORK)
COUNTY OF QUEENS)

ss.:

Ariadne Anna Panagopoulou Alexandrou, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and I am associated with the firm Pardalis & Nohavicka, LLP, attorneys for Plaintiff Jorge Wuilson Romero ("Plaintiff") in the above-entitled action and I am familiar with all the facts and circumstances in this action.

2. This action was commenced pursuant to the Fair Labor Standards Act (FLSA) and New York Labor Law (NYLL).

3. This action was commenced on August 1, 2016 by the filing of the summons and complaint. A copy of the summons and complaint was served on Defendant Floris Construction, Inc. by serving Nancy Dougherty, an authorized agent of the Secretary of State, on 8/11/2016

1 and Defendant Stamatis Kostikidis by conspicuously affixing them to his door and mailing it to
2 his place of business on 8/18/16.

3 4. The time for Defendants Floris Construction, Inc. and Stamatis Kostikidis, to
4 answer or otherwise move with respect to the complaint herein has expired.

5 5. Defendants Floris Construction, Inc. and Stamatis Kostikidis have not answered
6 or otherwise moved with respect to the complaint, and the time for these Defendants to answer or
7 otherwise move has not been extended.

8 6. Upon information and belief, and as it appears from facts in this litigation,
9 Defendant Stamatis Kostikidis is not an infant, mentally incompetent or presently in the military
10 service of the United States.

11 7. This is an action to recover unpaid overtime wages under the Fair Labor
12 Standards Act by Defendants, jointly and severally, to Plaintiff. Plaintiff also alleges unpaid
13 overtime wages, failure to provide statutorily required wage notices and wage statements and
14 unlawful retaliatory action under New York Labor Law.

15 8. In particular, Plaintiff worked for Defendants as a construction worker from April
16 2015 to May 2016. He consistently worked overtime - 48 hours per week - but he was
17 compensated at a fixed salary of \$800 per week in 2015 and \$1,000 in 2016 regardless of the
18 number of hours worked. He was never provided with wage statements detailing dates worked,
19 money received and the employer's details at any point during the time of his employment with
20 Defendants. He was also never provided with a notice containing the rate and basis of his pay,
21 the designated pay date, and the employer's name, address and telephone number at the time of
22 hiring or at any point thereafter. In addition, Plaintiff experienced retaliatory action by
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1 Defendants by being immediately discharged after he notified the police regarding Defendants'
2 illegal practices after having experienced battery by a co-worker at work.

3 9. The amount due to Plaintiff exceeds \$60,000; the justification and exact
4 breakdown for this amount will be detailed in Plaintiff's Motion for Default Judgment. No part of
5 this amount has been paid.

6
7 10. Jurisdiction of the subject matter of this action is based on federal question
8 jurisdiction.

9 WHEREFORE, Plaintiff Jorge Wuilson Romero requests that the default of
10 Defendants Floris Construction, Inc. and Stamatis Kostikidis be noted and a certificate of default
11 be issued.

12
13 I declare under penalty of perjury that the foregoing is true and accurate to the best of
14 my knowledge, information and belief, that the amount claimed is justly due to Plaintiff, and that
15 no part thereof has been paid.

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18 Dated: Astoria, New York
19 11/8/2016

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22 ARIADNE PANAGOPOULOU (AP-2202)
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